



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, New York 10007*

January 13, 2022

By ECF

Honorable J. Paul Oetken  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Our Children's Earth Foundation v. Regan*,<sup>1</sup> No. 20 Civ. 8232 (JPO)

Dear Judge Oetken:

This Office represents the defendant, EPA Administrator Michael S. Regan in his official capacity, in this action. I write jointly with counsel for Plaintiff to respectfully request that the Court enter the accompanying proposed consent decree to resolve this matter.

As required by section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g), EPA provided an opportunity for public comment on the proposed consent decree. Notice of the proposed consent decree was published in the Federal Register in November. *See* Proposed Consent Decree, Clean Air Act Citizen Suit, 86 Fed. Reg. 66546 (November 23, 2021). That notice and comment process is now complete. Both EPA and the Department of Justice have reviewed the comment received and determined that it did not contain facts or considerations that warrant withdrawing their consent.

Accordingly, the parties jointly request that the Court enter the proposed consent decree, which we will file on the docket as a proposed order after docketing this letter.

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Administrator Michael S. Regan, in his official capacity, is automatically substituted as a defendant.

We thank the Court for its attention to this request.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

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cc: All counsel of record (by ECF)